

R592. Insurance, Title and Escrow Commission. (Effective 7-14-08)

R592-9. Title Insurance Recovery, Education, and Research Fund Assessment Rule

R592-9-1. Authority.

This rule is promulgated pursuant to Section 31A-41-202 which requires the Title and Escrow Commission to determine the amount of required assessments from individual title insurance producers and agency title insurance producers to provide funding for the recovery, education, and research fund.

R592-9-2. Purpose and Scope.

- (1) The purpose of this rule is:
 - (a) to establish the amounts for individual title insurance producer assessments; and
 - (b) to establish the amounts for agency title insurance producer assessments.
- (2) This rule applies to all individual title insurance producer applicants and licensees and all agency title insurance producer license applicants and licensees and any unlicensed person doing the business of title insurance.

R592-9-3. Establishing Assessment Amounts.

- (1) Prior to July 1 of each year, the Commission shall establish the assessment amounts for:
 - (a) an initial producer license for an individual title insurance producer applicant;
 - (b) a renewal license for a licensed individual title insurance producer;
 - (c) an initial agency license for a title insurance agency applicant; and
 - (d) an annual assessment for a licensed agency title insurance producer.
- (2) Annual licensed agency title insurance producer assessment amounts shall be established for the following four premium bands of title insurance premiums:
 - (a) Band A: \$0 to \$1 million;
 - (b) Band B: more than \$1 million to \$10 million;
 - (c) Band C: more than \$10 million to \$20 million; and
 - (d) Band D: more than \$20 million.
- (3) The individual title insurance producer and agency title insurance producer assessment amounts shall be adopted by motion of the Commission.
- (4) The adopted assessment amounts shall be posted on the Insurance Department's web page.

R592-9-4. Individual Title Insurance Producer Assessment.

- (1) Beginning July 1, 2009:
 - (a) A person applying for an initial individual title insurance producer license or a licensed individual title insurance producer adding an additional title insurance line of authority shall pay an assessment not to exceed \$20.00 at the time of application; and

(b) a licensee renewing an individual title insurance producer license shall pay an assessment not to exceed \$20.00 at the time of application.

(2) An individual title insurance producer assessment will be paid in accordance with R590-102, Insurance Department Fee Payment Rule.

R592-9-5. Title Insurance Agency Assessment.

(1) Beginning July 1, 2008, a person applying for an initial title insurance agency license shall pay an assessment of \$1,000 at the time of application.

(2) Beginning January 1, 2009, a licensed title insurance agency shall pay an annual assessment.

(3) An agency's placement in one of the four assessment bands will be determined by an agency's title insurance written premium volume for the preceding calendar year as of December 31 of that calendar year.

(4) An agency title insurance producer's annual assessment will be paid in accordance with R590-102, Insurance Department Fee Payment Rule.

R592-9-6. Penalties.

A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

R592-9-7. Enforcement Date.

The commissioner will begin enforcing this rule July 1, 2008.

R592-9-8. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

**KEY: title recovery fund assessment
31A-2-308, 31A-41-202**